

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

DARYL L. DAVIS

Plaintiff,

V.

MICHAEL R. MCDUFFIE

Defendant.

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Docket No. 9:07-CV-00019

Plaintiff's Motion to Compel

Daryl L. Davis, Movant, respectfully requests this Court to enter an Order directing Michael R. McDuffie, Respondent, to respond properly to certain discovery requests.

1. On November 17, 2015, Movant served a series of Interrogatories and Request for Production on Respondent under the provisions of, and in accordance with the requirements of, the Texas Rules of Civil Procedure. Respondent was to have answered those written discovery requests within 30 days.
2. Respondent, however, failed to answer as requested and as of this date, no responses to said discovery requests have been served by Respondent.
3. The notice of deposition and the discovery requests were within the scope of discovery allowed by the Federal Rules of Civil Procedure, and no motion for a protective order or objection to said notice of deposition or to said discovery requests has been served by Respondent.
4. The failure of Respondent to serve proper responses to Movant's discovery requests is without justification.

5. By my signature below, I certify that efforts to resolve the discovery dispute without the necessity of court intervention have been attempted and failed.

For these reasons, Movant requests that upon hearing the Court order Respondent to appear for deposition, respond fully and properly to Movant's discovery requests, and pay Movant's attorney reasonable attorney's fees within 30 days.

Respectfully submitted,

Chad Van Cleave
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By: _____
Chad Van Cleave
Attorney in Charge
California Bar Number 224036

ATTORNEY FOR PLAINTIFF

Certificate of Service

I hereby certify that on the 17th day of November, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

None.

I hereby certify that on the 9th day of May, 2016, I mailed a copy of this document to Defendant Michael R. McDuffie at his last known address: 3045 FM 3126, Livingston, TX 77351, by certified mail, return receipt requested and by regular mail.

/s/ Chad Van Cleave
Chad Van Cleave

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Order Compelling Discovery Responses

On this day the Court considered *Plaintiff's Motion to Compel*. The Court, having examined the moving papers, orders as follows:

It is further ORDERED that Respondent serve, in accordance with the Texas Rules of Procedure, and not later than the _____ day of _____, 2016, full and proper written answers and production to Movant's Interrogatories and Request for Production, and that Respondent supplement by producing additional documents and materials responsive to said requests within 10 days of his receipt of such documents and materials.

It is further ORDERED that within 31 days from this date Respondent pay to Movant the sum of \$650.00 as and for reasonable attorney's fees, with post-judgment interest from this date at the same rate indicated in the judgment in this cause. Plaintiff is allowed such writs and processes as may be necessary in the enforcement and collection of this judgment. All relief not granted herein is hereby denied. This Order is a final judgment that finally disposes of all parties and all claims and is appealable.

SIGNED this _____ day of _____, 2016.

Judge Presiding